

*Previous references.*

File No. 22-08

1908.

Serial Nos. 1, 2, 3, 4,

( S. R. )

*Later references.*

5, 6

GENERAL AND REVENUE SECRETARIAT.

---

Serial Nos. 1, 2, 3, 4, 5.

Part B for January 1917

---

SUBJECT.

claim to the Toddy Excise Revenue of  
Todi Konagahalli village T. Narasipur  
TK.

---

H. 6. 1

FN No 3818-9 D. 1. 17. To the Excise Commr  
and Comptroller  
Holds that the Inamdar is privileged  
and entitled to the Toddy Revenue

A. Janakiam

0-3-17.

## GENERAL AND REVENUE SECRETARIAT

## NOTES.

File No. 226-20

## FILE HEADING.

Claim to the toddy & rice reserved for  
Kongahalli village. T. Nandi Per  
Nulu, Mysore District

From

The Revenue Commissioner

No. 8767

Dated

26/7/09

Received

12/3/09

Diary No.

3/6/09

Enclos.

1 file

Spare Copies

Serial No.

1

## BRIEF ABSTRACT OF LETTER.

Submits the record of enquiry  
relating to the above claim and states  
that the claim is allowed subject  
to rules 2, 3, 5 & 12

## NOTES AND ORDERS.

The village has only a toddy shed and  
no grove. The village was alienated  
in 1613 on Sarnamangarpet tenure  
It was subsequently changed to  
Jori. It is not known when acquired.

Serial  
No.

under what circumstances  
it was so altered. The same  
has produced no record to the  
either "Teachal Kairi" or "Saur"  
was conceded to him. The  
Mandor explains that it was  
not usual in the year 1878  
specify this item in the same  
and the Excise Comr accepts the  
explanation. The entries in Col.  
11, 13 etc and the particulars of the  
Mandor (para 15 & 16) in Col 19  
of the Mandor Report may furnish  
some useful information, but  
they are left blank in the report  
furnished by the Mandor Dept.  
2) This village was settled  
by the Mandor Dept in 1879 and 1880  
The Mandor Dept has in para 5  
of Col 19, stated "the items of Sape  
and reserved forest including  
sandal are reserved. Sandal is  
enjoyed". The Mandor Dept  
has in his final orders of 2/8/80  
"Confirmed as above". The  
Mandor Dept has conceded to all  
All the officers from the Excise

Serial  
No.

Comp downwards are dates of  
deat the Mace Settlement  
has conceded the today & case  
to the Mamedar.

3) As regards enjoyment there  
has been continuous enjoyment  
from 1870. A copy of the  
order on report's order  
no 9 of 10/6/1861 is produced to  
previous enjoyment and this  
order directs the daily supply  
of 6 Seers of today to the village  
as per Manual.

4) The investigating officer  
& the Dy. Commis opinions in  
this case are not definite.

5) The points requiring con-  
sideration are:-

1) Whether the Samad on  
any other document concedes  
today's rice paddy.

2) Whether the Mace settle-  
ment concedes this paddy.

3) If the Mace Settlement  
concedes this while the Samad  
does not concede whether the  
former case be adhered to.

| Serial<br>No. |                                                                                                                                                                                                                                                                                              |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | <p>4) Whether <sup>the case satisfies</sup> rule 9 or<br/>of the rules of August 1908<br/>of before proceeding point<br/>it would be better to get copy<br/>of entries in col. 11, 13 &amp; 14 of the<br/>Name Register<br/>and send a copy according<br/>to table<br/>29/4/08<br/>M. K.</p> |
|               | <p>1) Issue<br/>29/4/08<br/>S. B.</p>                                                                                                                                                                                                                                                        |

|   |                                                                                                                                                                                                                                                     |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | <p>to the sublt of the Name Register<br/>No. R. 7126 of 4.5.09<br/>Forward an extract of the<br/>Name Register this release to<br/>up to 11, 13 &amp; 14 i.e. the of</p>                                                                            |
| 3 | <p>From the Name Register<br/>No 929 of 14/5/09<br/>Returns the copy of the<br/>Name Register of entries in<br/>therein necessary entries<br/>of the entries in cols. 11, 13 &amp; 14<br/>of the Name Register do not<br/>seem to help the case</p> |

Serial  
No.

It seems that the E. Comd  
may be called as this seems  
to be a doubtful case whether  
the old accounts refer to the  
Cys. nos 5671-9-8th 173-07-4  
238/468 were consulted  
& whether any of them  
show that the odd piece  
was either enjoyed or conceded  
to the descendants

Should for orders with a def  
the

27/6/09  
md 4/6

Issued

8/6

4 To the Excise Commr in Mysore  
No. 77885 of the 11/6/09.

Enquires whether the old accounts were  
consulted and if so to request to furnish  
extracts or copies of the same at an early  
date.

5 From the Excise Commr. No 4390 of 8/6/09.  
For the and copy of my former  
letter No 36 of 4/6/09 stating that  
the old accounts refer to are not

Serial  
No.

available either in the Taluk or in the St. of

1) The absence of old accounts, Smeeth-  
that of 1834-5, was noticed even at the  
time of the Inam Settlement. And it is  
really unnecessary at present, as in a case  
of the kind under reference where there is  
only a toddy shop & the claim is only  
for Smeise Rev., the procedure for determining  
the claim is laid down in Rule 18 of  
2<sup>nd</sup> August 1901. Vide sub-para 3. It  
lays down that when the claim is for  
Smeise Rev. only, the Inam Settlement  
should be the starting point. It further  
lays down that, when by use of unambiguous  
words such as Sendi it is conclusively  
clear from the Inam Settlement Register  
that the Smeise Rev. has been conceded,  
the Inam Settlement should be adhered  
to. Now in this case, it is clear from  
the Inam Settlement Register that Sendi  
was enjoyed & therefore conferred to the  
Inamdar. There is abundant proof of  
enjoyment both subsequent & prior to that  
Settlement. This seems therefore a clear  
case entitling the Inamdar to the Smeise  
Rev. from toddy of his village. Under the

1926-08.

R File No. 225 of 1908-9

10

(7)

Serial  
No.

rules proposed to issue, the claimant will  
be entitled only to the ship rent + nothing  
else.

Submitted for orders

K-8 (70)

13/12/10

Q-5

13/12/10

14) This case also may be  
over for the present, that is, till  
the rules are revised. Recognition

recommendation? 9

11) If the claim is enjoyed but it would  
be adding to our existing difficulties  
if we go on recognising claims now

13/1/11 SA

13/1/11

1908  
13.1.11

13) I agree KMF

13/1/11

14) rules for orders. May the claim be recognised  
in view of the facts represented above.

15) The claim settlement Consider Excise  
Revenue and there has been proof of enjoyment  
within 12 years preceding 1892-3. Therefore the  
claim is admissible. [Vide rules 18 (3) & 19 of  
the Inter 901. Page 124 & case Manual]  
The usual draft order 89 may be put up  
30/11.

is for 1881-1882  
and for 1887-1888

SR

Serial  
No.

1) Draft holding the mandam as privileged  
is filed for orders.

4/12/16

Rev Secy

5/12

1) In approval or other orders

1st & 2nd members)

Approved by 5/12/16

208  
6.12.16

971  
7.12

18) Approval  
11/12

7.12  
11/12/16

mas  
-7/

3446  
13.12.16

19) Submitted for approval before issue  
Deo m)

11.12/16

20) I agree  
3.1.17.

21) Issue

4.1.17.

6. To the Enceise Commissioner  
and Comptroller.

No 7L 3818-9 D 6.1.17

Holds that the Enamdar is privileged  
and entitled to the toddy revenue.

53488

Excise Commissioner's Office

Dated, Bangalore, 26th March 1909.

NO.

8767

From

2 files

H. H. Sparkes, Esquire,

Excise Commissioner

in Mysore.

226-08  
①

To

K. S. Chandrasekhara Aiyar, Esq., B.A., B.L.,

Secretary to the Government of His Highness the  
Maharaja of Mysore, General and Revenue Depts.

Sir,

I have the honor to submit herewith the records of enquiry relating to the Inamdar's claim to the Excise revenue from toddy of Jodi Konagahalli village in the T. Narsipur Taluk of the Mysore District, together with the correspondence ending with the Deputy Commissioner's docket No. 616, dated 1st March 1909 and to state that while the Deputy Commissioner is of opinion that the Inamdar is entitled to shop-rent only without tree-tax the investigating officer restricts the payment of such shop-rent in full to the present Inamdar and in moiety to the second life. I regret my inability to concur in either of these decisions.

2. The village appears to have been granted as Agrahar Sarvamanya by His Highness the late Raja Wadayar of the Mysore throne in the year 1536 of Salivahana Sakha corresponding to the English year 1613 A.D. Neither the original Sannad nor an authenticated copy of the same has been produced by the Inamdar. But in the unauthenticated copy filed in the records there is no mention of "Sendi" or "Eachalpairu" as having been conceded to the Inamdar. It may be as the Inamdar explains in his written statement, that so far back as 1613 A.D., it might not have been the practice to mention "Shendi" or "Eachalpairu" specifically.

specifically. His Highness ~~the~~ concedes all that has been --  
conceded to him by Sri Venkatapathideva Maharaya. There is no  
reservation of any item. The Inamdar has produced a document --  
dated 2nd Bhadrapada Suddha of Rakthakshi corresponding to the  
English year and sealed with Devaraj seal but not signed by  
any one and ending only with the word "Srinivasa", purporting  
to be an order to the Address of Srinivas Rao by Amildar Venkat  
ramanaya. There is no mention of "Shendi" or "Eachalpairu" in  
this either. But it has to be observed that this document --  
concerns itself with the increased assessment and directs that  
the original assessment alone should be collected from the --  
Brahmins. There is, therefore, no opportunity for the mention  
of anything relating to toddy in this order. This document --  
shows that after the original grant the tenure of the village  
was changed from Sarvamanya to that of Jodi or light assessment.

3. At the Inam Settlement of the village conducted in the --  
years 1879 and 1880 the Inam Assistant has recorded in column  
19 of the Inam Register of Enquiry that "Shendi" is enjoyed --  
and the same is also mentioned under items enjoyed. The Inam  
Superintendent Colonel Robert Cole has recorded in column 20  
"confirmed as above". The claim to the Excise Revenue from --  
toddy was therefore recognised at the Inam Settlement and the  
enjoyment of this item of revenue by the Inamdar at the time  
of the settlement was also admitted. Besides in the Title-Deed  
the item of toddy is conceded. In para 3 of rule 18 of the --  
rules of the 2nd August 1901 it is laid down that the Inam --  
Settlement and the Title-Deed should be the starting point. It  
is conclusively clear from the Inam Settlement Register that --  
toddy Excise has been conceded and the Inam Settlement should  
therefore be adhered to. Jodi Gajjiganahalli in the Nanjangud  
Taluk and jodi Vaddarahalli in the Tumkur Taluk are only two  
of the many instances in which recognition at the Inam Settle-  
ment supported by long enjoyment of the right, has been held  
sufficient

sufficient to allow the Inamdar's claim.

4. In proof of the enjoyment of the Excise revenue from toddy of the village, the Inamdar has produced satisfactory evidence from so far back as 1861. The Ashtagram Superintendent's order No.9, dated 10th June 1861 to the Amildar of Talakad directing the daily issue of six seers of toddy to this village as per -- mamool takes the enjoyment even prior to 1861. The agreement dated 31st December 1881 executed by Messrs Davy, Muddappa and Co., agreeing to pay Rs.1-3-10 per month from 1st April 1881 to 31st March 1884 is the last Mutchalika produced by the Inamdar. As regards the want of proof of enjoyment for the three years from 1884 to 1887 it has to be remembered that Messrs Davy, -- Muddappa and Co., were the toddy contractors of the Mysore -- District for 6 years from 1st April 1881 to 31st March 1887. -- It may, therefore, be well presumed that for the next three -- 2 years also after 1884, the same firm paid at the same rate to the Inamdar. This presumption is strengthened by the fact that in Revenue Miscellaneous case 3 of 1899 the subsequent contractor has deposed "that his predecessor had a shop in the -- village and paid". The Government order No.1193, dated 26th March 1890 brings the enjoyment up to the year 1889. In this order it has to be observed that Government have said that the contractor is bound to pay the Inamdars according to custom, -- whether or not the contractor has chosen to exercise the Inamdar's toddy Excise right. This is exactly what I have advocated in more than one case that so long as the Inamdar has leased -- out the right of vending toddy in his village and has derived an income therefrom, his claim is not vitiated by the fact that the contractor did not chose to exercise the Inamdar's right within the village. Notice No.73, dated 18/22nd April 1890 and another dated 27th July 1891 from the Deputy Commissioner, -- Mysore District, to the Inamdar show that payments were made to the Inamdar up to the year 1891. But it cannot be asserted that the payments were on account of the toddy excise for the period

period subsequent to 1889. Any how from the evidence produced I am satisfied that the Inamdar has been in the enjoyment of the right from a very long time even prior to 1880 and the -- Inam Settlement has fully recognised it. I, therefore, hold that the Inamdar is entitled to the Excise Revenue from toddy of the village.

5. At present there is a toddy shop in the Inam village but there is no date grove. The case, therefore, falls under rules 2, 3, 5 and 12 of the rules of the 2nd August 1901.

6. In regard to the decision of the Deputy Commissioner that the Inamdar is entitled to shop-rent but not to tree-tax I beg to submit that payments to privileged Inamdars under the Tree-Tax System are regulated by certain rules. So long as those rules are not altered and have been made applicable to so many other Inamdars, they have to be adhered to, in the present -- case as well. There is no rule which allows of shop-rent only without tree-tax. Rule 12 applies to this case and shop-rent and tree-tax have to be paid to the Inamdar. As regards the -- limitation of the payment of the shop-rent imposed by the -- investigating officer I beg to submit that Government have -- applied the principle underlying the late Chief Commissioner's Proceedings No.3697/Rev.30, dated the 8th October 1873, only to cases falling under Rule 20. These are cases in which the right is unsupported either by the Sannad or the Inam Settlement. All the three cases quoted by the Deputy Commissioner in his docket No.616, dated 1st March 1909, are of this description. In the case of Hyakanur the holder of the alienated village was not entitled to the toddy revenue of the village either under the Sannad or under the Inam Settlement; Horiyala was unsupported either by the Sannad or the Inam Settlement; and in Udabur the Sannad did not expressly concede the toddy excise revenue and the Inam Settlement had actually reserved it to Government. At

any

any rate, I am not aware of any case in which recognition of the right at the Inam Settlement supported by long enjoyment has been held to entitle the Inamdar only to shop rent without tree tax or only to shop rent in full for one life and half for the second life.

I have the honor to be,

Sir,

Your most obedient servant,

*S. S. S. S. S.*

/ Excise Commissioner.

*MS*

Diary No. of letter replied to

3486

General and Rev. Secretariat

(8th)  
the

190

No. 36 7126

24 May 1909

To

The Supt. of Revenue  
S. B. B. B. B.

Date of issue

Signed by

Sir

I am directed to forward herewith the extract of the Decree register of revenue (Sheet no 70) Kondaga, Taluk, S. B. B. B. B. D. Marasipura Taluk and I am directed to request that you will be so good as to have the entries in Cals 11, 13 & 14 as also paras 1 to 4 of the recommendation of the Decree Book in

over.

SUBJECT.

Col 19, duly entered and the Extract  
~~is shown to~~ returned  
the specimen to this Office

3488

I have CC

SH  
7055

For  
Miley  
M.H.

List of enclosures,

Copied by *WZ*  
Examined by *361*

787/5 84241 80 8)

1906-09.

From

Sy 226-08 8(3)  
The Superintendent of Mysore  
Settlements, Mysore

To

The Secretary to the Government  
of H. H. the Maharaja of Mysore,  
General & Revenue Departments

Dated

14<sup>th</sup>

Despatched

15<sup>th</sup>

} May 1909.

Received

General No. 92

No.

Enclosure No. /

Retains the extract of the main  
Register of Koganshalli Village,  
T. Narasipur Taluk, duly filling  
in the columns, 11, 13 and 14  
and paras 1 to 4 of Col. 19.

No. <sup>92</sup>/<sub>Enc. 1</sub>

From

To

Inam Superintendents' Office <sup>9,</sup>

Dated, Bangalore <sup>14<sup>th</sup></sup> May 1909

Sr 226-2880

The Superintendent of Inam  
Settlements in Mysore

The Secretary to the Government  
of His Highness, the Maharaja  
of Mysore, General and Revenue  
Departments.

Sir,

As desired in your letter No. <sup>FL 7126</sup>/<sub>S.R. 226-08-2</sub>  
dated 4<sup>th</sup> May 1909, I have the honor to  
return herewith, the extract of the Inam  
Register of enquiry (Sheet No. 70) of Kōnga —  
— halli Village, Sosale Hobli, T. Narasipura  
Taluk, duly filling in the Columns  
11, 13, 14 and paras 1 to 4 of the 19<sup>th</sup> Column

I have the honor to be,  
Sir,

Your most obedient servant

D. M. Rao  
Superintendent of Inam  
Settlements in Mysore

28

G.R.S. 26]

226

File No. 88

Serial No. 4

Diary No. of letter replied to

4244

General and Revenue Secretariat

, the

190

Date of issue

Signed by

2 files

1 calendar  
1 stamp  
1 program

No. 78 7885

21 June 1909

To The Case Comptroller in Mysore

Sir,

In returning  
herewith for reference  
and submission  
the record of enquiry  
relating to the claim  
to the land & case  
revenue of Jodi Kora  
Gahalli village  
I. Narasimhaiah,  
received with your  
letter no 8767 of 26/

over 3/

SUBJECT.

mon  
21/11/09

I am directed to.

ascertain whether the old  
accounts refer to  
in C.O. H 5671-3-87.

173-07-4838/4/08  
were consulted

~~& satisfied that the~~

~~presence was either~~ to find out whether  
~~conceded or recognized~~ the item of Foddy Co  
~~by the record as included~~ was

in the history of this  
village. If so the

copies of or extracts  
of such accounts

may also be furnished at an early date

I have &c

Sd  
To Sd

List of enclosures.

True  
1/6/09  
and 4/6.

Copied by

Examined by

No 4390

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE,

Bangalore, dated 18th November 1909.

From

H. H. Sparkes, Esquire,  
*Excise Commissioner in Mysore.*

To

K. S. Chandrasekhara Aiyar, Esq., B.A., B.L.,  
*Secretary to the Government of  
His Highness the Maharaja of Mysore,  
General and Revenue Departments.*

SIR,

Adverting to your letter No. Fl.7885/S.R.226-08-4, dated the 11th June 1909 and subsequent reminder thereon enquiring whether the old accounts referred to in Government Order No. Fl.5671-9/S.R. 173-07-4, dated the 30th April 1908, were consulted in the case of the claim of the Inamdar of Jodi Kongahalli village in the T. Narsipur taluk to the Excise revenue from toddy of the village, I have the honor to forward herewith a copy of a docket No.318, dated the 15th Instant received from the Deputy Commissioner, Mysore District.

2. The records are herewith resubmitted.

I have the honor to be,

Sir,

Your most obedient servant;

*M. S. Aiyar*

for Excise Commissioner.

*[Signature]*

From

H. H. Sparks, Esquire,  
Excise Commissioner in Mysore.

To

S. N. 226-08  
Ans. 5  
K. S. Chandrasekhara Iyer, Esq.,  
B. A., B. L.,  
Secretary to the Government of  
H. H. the Maharaja of Mysore,  
Genl. and Rev. Depts.

Dated

18-11-09

Despatched

22-11-09

Received

General No.

4390

Enclosure No.

1 & 2 files

SUBJECT.

Forwarding a copy of a  
docket no. 318 of 15<sup>th</sup> instant,  
received from the Dy. Commissioner,  
Mysore District, on the subject re.  
the claim of the Inamdar of Jodi  
Kongaballi village in the T. rarsipur  
Taluk to the Excise revenue from  
toddy of the village.

From

The Deputy Commissioner,  
Mysore District.

To

The Excise Commissioner  
in Mysore.

Dated 4/15th November 1909.

Despatched

Received

General No. 318.  
No.

Enclosure No. 1 file and  
calendar..

*No. 7C. 17885-S.R. 226-08-04 2/11-6-09*

His docket No. 11298, dated the 16th June 1909 forwarding copy of the marginally noted letter from the Secretary to Government, calling for the extracts and copies of certain old accounts in connection with the enquiry into the claim of the Jodidar to the toddy Excise revenue of Jodi Kongahalli in the T. Narsipur taluk.

In resubmitting the records relating to the case, has the honor to state, in continuation of this office docket No. 160, dated the 26th August 1909, that the search caused to be made in the Taluk records for the required old accounts has also proved unavailing. Hence it is not possible to find out whether the item of toddy was included in the beriz of the village.

"Copy"

(SD) H. Seetharamiah  
for Deputy Commissioner

*H. Seetharamiah*  
for Excise Commissioner.

GEN. & REV. SECRETARIAT.  
TYPING Sec.  
5 JAN 1917  
G.R.S. 28]

Holds that the *nama* is printed  
and entitled to *toddy* revenue. 14)

File No. 226-08.  
Serial No. 56.

Diary No. of letter replied to \_\_\_\_\_

GENERAL AND REVENUE  
SECRETARIAT.

Proceedings of the Government of His Highness  
the Maharaja of Mysore

READ—

, the 191 .

Date of issue 6 — 1 — 16

Signed by Mr. Sreenivasan

Correspondence ending with  
letter no. 4350 of 18/11/1909 from the  
Excise Commr in Mysore regarding

the claim of the *nama* to the *excise*  
revenue from *toddy* of Konachalli village,  
J. Narasipur M.

ORDER THEREON:—No. H 3818-9.

26 Jan 1917

The village was granted as *Sara*  
*maniam* in 1613 and the *Sama* is  
not produced. But the *nama* left  
concede *excise* revenue from

over.

SUBJECT.

today and <sup>its</sup> enjoyment has been  
proved for 12 years preceding  
1892-3. Concurring therefore  
with the Dy. Commr and the  
Excise Commr, Govt ~~should~~  
consider the mandar  
as "privileged" and entitled  
to the excise revenue from  
today.

W  
7/12

W 5/12/96  
Rev Secy to Govt.  
W 5/12

The Excise Commr in Mysore with records.  
The Comptroller to Govt.

W. 6/12/96  
4/12/96